Notice of Preparation

To: OPR State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

From: Butte County c/o Dept. of Development Services  
7 County Center Drive  
Oroville, CA 95965

Subject: Notice of Preparation of a Draft Environmental Impact Report

Butte County c/o Development Services will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☑ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Charles Thistlethwaite, Planning Manager at the address shown above. We will need the name for a contact person in your agency.

Project Title: Durham Villas Planned Development - Rezone REZ 06-02 and Tentative Subdivision Map TSM10-0001

Project Applicant, if any: Morris Keeney c/o Dick Jones

Date April 23, 2014

Signature

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.
NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT  
DUHARM VILLAS PLANNED DEVELOPMENT

NOTICE IS HEREBY GIVEN that BUTTE COUNTY as Lead Agency pursuant to the California Environmental Quality Act (CEQA) has prepared a Notice of Preparation for an Environmental Impact Report (EIR) for the following project: DURHAM VILLAS PLANNED DEVELOPMENT Rezone REZ06-02 and Tentative Subdivision Map TSM10-0001 – Morris “Bud” Keeney

Project Location and Overview: The project site is located in unincorporated Butte County east of Durham, between Durham and Butte Creek, on the south side of Durham-Dayton Highway across the street from Van Ness Way. The project site consists of a single 118-acre parcel that contains a producing almond orchard, the residence of the property owner and associated outbuildings. The site is bordered on the west by Durham Pump Shop and almond orchards, on the south by almond orchards, on the east by almond orchards and single-family residences on very low density residential lots, and on the north by Durham-Dayton Highway, almond orchards and single-family residences on very low density residential lots.

The subdivision of the project site will create 139 new single-family residential lots (ranging in size from 5,173 to 9,313 square feet each), a lot containing the property owner’s current residence, and several larger parcels intended for a commercial site, a park, landscaping and permanent open space, including a major portion of the orchard and one lot that separates the landowner’s residence from the new residential development. The project will provide housing for seniors (age 55+) at a 20% density increase in housing as allowed by State law and local ordinances.

Entitlements include: a rezone to Planned Development; a phased Tentative Subdivision Map; annexation into, and a Sphere of Influence amendment to, the Durham Irrigation District for water service; formation of a County Service Area for collection of wastewater from individual septic tanks and disposal in a community leachfield; and the formation of a Landscape and Lighting District and a Community Services District for maintenance of a proposed community center, park, walking path around the project site and public open space areas.

The Notice of Preparation is available at the offices of the Butte County Department of Development Services, 7 County Center Drive, Oroville, CA 95965, or online at www.buttecounty.net/dds. A scoping meeting will be held to receive verbal comments on May 22, 2014 at 2:00 p.m. in the Board of Supervisors Chambers, Butte County Administrative Center, 25 County Center Drive, Oroville, CA 95965.

Comments on the Notice of Preparation should be sent at the earliest possible date but received no later than May 23, 2014. Comments should be addressed to Chuck Thistlethwaite, Planning Manager, Butte County Department of Development Services, 7 County Center Drive, Oroville, CA 95965. Comments may also be submitted by e-mail to cthistlethwaite@buttecounty.net.
VESTING TENTATIVE SUBDIVISION MAP
TSM10-0001 DURHAM VILLAS
PLANNED DEVELOPMENT
Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044  (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Durham Villas Planned Development - Rezone REZ 06-02 and Tentative Subdivision Map TSM10-0001
Lead Agency: Butte County c/o Department of Development Services Contact Person: Charles Thistlethwaite
Mailing Address: 7 County Center Drive Phone: (530) 538-6572
City: Oroville Zip: 95965 County: Butte

Longitude/Latitude (degrees, minutes and seconds): 39° 38' 35" N / 124° 47' 31" W Total Acres: 118
Assessor's Parcel No.: 040-200-083-000 Section: 30 Twp.: 21 N Range: 02 E Base: MDB&M
Within 2 Miles: 99 Waterways: Butte Creek
Airports: Railways: Union Pacific R.R. Schools: Durham Unified Schools

Document Type:
CEQA: [X] NOP [ ] Early Cons [ ] Neg Dec [ ] Mit Neg Dec [ ] Supplement/Subsequent EIR
[ ] Draft EIR [ ] Rezone [ ] Prezone [ ] Use Permit [ ] Land Division (Subdivision, etc.)
NEPA: [ ] NOI [ ] Other: [ ] Joint Document [ ] Final Document
[ ] Draft EIS [ ] FONS I [ ] Other:

Local Action Type:
[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation [ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:
[X] Residential: Units 140 Acres ______ [ ] Transportation: Type
[ ] Office: Sq.ft. ______ Acres ______ Employees ______ [ ] Mining: Mineral
[ ] Commercial: Sq.ft. 28,593 Acres ______ Employees ______ [ ] Power: Type MW
[ ] Industrial: Sq.ft. ______ Acres ______ Employees ______ [ ] Waste Treatment: Type MGD
[ ] Educational: [ ] Hazardous Waste: Type [ ] Other:
[ ] Recreational: Neighborhood Park 44,295 sq. ft. [ ] Water Facilities: Type MGD
[ ] Water Facilities: Type [ ] Other:

Project Issues Discussed in Document:
[ ] Aesthetic/Visual [ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Recreation/Parks [ ] Vegetation
[ ] Air Quality [ ] Archeological/Historical [ ] Geologic/Seismic [ ] Schools/Universities [ ] Water Quality
[ ] Coastal Zone [ ] Drainage/Absorption [ ] Noise [ ] Sewer Capacity [ ] Wetland/Riparian
[ ] Economic/Jobs [ ] Environmental/General Plan Designation:

Present Land Use/Zoning/General Plan Designation:
Almond Orchard/VLDR-1.0 (Very Low Density Residential - one-acre minimum)/Very Low Density Residential (0.2 - 1 D.U./acre)

Please see attached project description.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Revised 2010
### Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X". If you have already sent your document to the agency please denote that with an "S".

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### Local Public Review Period (to be filled in by lead agency)

- **Starting Date**: April 23, 2014  
  - **Ending Date**: May 23, 2014

### Lead Agency (Complete if applicable):

- **Consulting Firm**: W. Gilbert Engineering  
- **Applicant**: Dick Jones
- **Address**: 140 Yellowstone Dr., Suite 140  
  - **Address**: P.O. Box 907
- **City/State/Zip**: Chico, CA 95973  
  - **City/State/Zip**: Durham, CA 95938
- **Contact**: Wesley Gilbert, P.E.  
  - **Phone**: (530) 898-1701

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**Signature of Lead Agency Representative**: [Signature]  
**Date**: April 23, 2014


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DEVELOPMENT SERVICES
DEPARTMENT

BUTTE COUNTY

REVISED INITIAL STUDY FOR
DURHAM VILLAS PLANNED DEVELOPMENT:
TENTATIVE SUBDIVISION MAP TSM10-0001
AND REZONE REZ10-0001

April 21, 2014
COUNTY OF BUTTE
DEPARTMENT OF DEVELOPMENT SERVICES
INITIAL STUDY FOR
DURHAM VILLAS SUBDIVISION

1.0 PROJECT INFORMATION

A. Applicant/Owner: Morris “Bud” Keeney

B. Representative: Dick Jones

C. Staff Contact: Chuck Thistlethwaite, Planning Manager,cthistlethwaite@buttecounty.net, Phone: 530-538-6572

D. Lead Agency Name and Address: Butte County c/o Butte County Department of Development Services
7 County Center Drive, Oroville, CA 95965

D. Project Name: Durham Villas Subdivision

E. Project Location: The subject property is located along Durham-Dayton Highway and immediately east of the
unincorporated community of Durham, Butte County.

F. Type of Application(s): Tentative Subdivision Map (TSM 10-0001) Rezone Application (REZ 10-0001)

G. Assessor’s Parcel Number(s): 040-200-083 (Sec. 30, T.21.N., R.02.E., M.D.B.& M.)

H. Project Site Size: +/-118 ac.

I. Current Zoning: VLDR (Very Low Density Residential - 1 acre minimum)

 Proposed Zoning: PD (Planned Development)

J. Current General Plan Designation: VLDR (Very Low Density Residential 0.2 to 1 unit per acre)

K. Environmental Setting: The project site is located in the northern Sacramento Valley on the eastern side of the
Valley between Durham and Butte Creek, east of Durham and on the south side of Durham-Dayton Highway (Figure
1.1, Figure 1.2). The Sacramento River lies approximately 10 miles to the west, with Butte Creek approximately .15
miles east and the Sierra Nevada foothills beginning approximately 5-6 miles to the east. The land is flat floodplain and
dominated by agricultural uses, predominantly almond and nut crops, interspersed with small rural communities and
rural residences.

L. Surrounding Land Uses: The site is bordered on the west by the Durham Pump Shop and almond orchards, on
the south by almond orchards, on the east by almond orchards and single-family residences on large rural style lots and
on the north along Durham Dayton Highway, almond orchards and single-family residences on medium to large rural
style lots (Figure 1.3).
Project Name: Durham Villas Subdivision

Figure 1.1 Vicinity Map
Figure 1.2. Project Location
Figure 1.3. Aerial photo of project site
M. Project Description:

The project site consists of a single 118-acre parcel with a producing almond orchard, the residence of the property owner and associated outbuildings (Figure 1.4). The subdivision of the project site will create a total of 140 residential lots (139 senior residential lots and the existing farm residence) and several larger parcels intended for a commercial site, a park, landscaping and permanent open space, including a major portion of the orchard and one lot that separates the landowner’s residence from the new residential development. The project will provide housing for seniors (55+) at a 20% density increase in housing as mandated by State law and local ordinances.

The project site is designated Very Low Density Residential in the 2030 Butte County General Plan and is currently zoned VLDR (Very Low Density Residential (one-acre minimum parcel size)) in the Butte County Zoning Ordinance. The property is adjacent to the “Urban Area” as defined by the Durham Dayton Nelson Community Plan and within the Durham “Urban Reserve” area. The project application includes rezoning the property to PUD (Planned Unit Development) and proposes a 20% density bonus for senior (ages 55+) housing in accordance with State law and local ordinances. California density bonus law requires local governments to provide a density bonus to developers of housing who commit to providing a certain percentage of dwelling units to persons are members of target income or age groups (Government Code §65915 – 65918).

The boundaries of the “Durham Urban Reserve” area were delineated in the 1992 Durham Dayton-Nelson Plan and incorporated into Section I of the Area and Neighborhood Plans Element of the Butte County General Plan 2030. The project complies with the following policies adopted for the Durham – Dayton – Nelson Planning Area as outlined below.

1. Circulation

- Design local residential streets for access to properties and for discouraging through, non-local traffic (Policy D2N-P1.1);
- Minimize conflicts between vehicular, pedestrian and bicycle traffic (Policy D2N-P1.4);
- Restrict residential development from locating adjacent to streets carrying or expected to carry 10,000 vehicle trips per day because of adverse noise levels (Policy D2N-P1.5);
- Encourage new residential subdivisions to implement bicycle and pedestrian facilities in the subdivision design (Policy D2N-P1.11);
- Require new subdivisions to incorporate transit design characteristics in street designs (Policy D2N-P1.20)

The northern boundary of the property on which the project is located abuts the Durham Dayton Highway for a distance of approximately 2,000 feet. Access to the project will be provided exclusively from Durham Dayton Highway at two intersections approximately 600 feet apart. Access to the residential lots, open space and community center is provided by a looped roadway system extending between the two (2) entry points on the highway.

A pedestrian/bicycle path will be installed in the public right-of-way adjoining the project site on the south side of Durham-Dayton Highway, extending to the east side of Street ‘B’ and across Street ‘A’ to the west end of the Private Park (Lot ‘B’), with marked crosswalks in both streets. The project incorporates pedestrian/bicycle pathways into and out of the project area to reduce motor vehicle trips and to promote community health. A bus turnout area will be reserved along Durham-Dayton Highway for the future use of the B-Line bus system. Transit service will be provided when the demand for transit service is demonstrated.

The adequacy of sight distances and the need for left-turn lanes on Durham Dayton Highway were evaluated as part of the project design. Standards for sight distance, provided by the California Department of Transportation (Caltrans) Highway Design Manual, were compared to actual site distances from each proposed access location.
Based upon the posted speed limit of 35 mph, the applicable sight distance requirement was limited by trees situated within the public right of way along the southern side of Durham Dayton Highway. The project was redesigned according to these findings to meet Caltrans sight distance requirements without the need for tree removal.

Other aspects of the circulation plan include:

- Internal circulation design providing two entry/exit points to reduce intersection congestion;
- Open space elements designed for pedestrian and bicycle traffic;
- Line of sight improvements to facilitate public safety;
- No county maintenance costs associated with project roadway improvements;
- Neighborhood commercial to reduce internal trip generation; and
- A tentatively planned B-line bus stop integrated with countywide public transit.

A traffic study prepared for the project by the firm of W-Trans indicates that intersections in the project vicinity currently operate at an acceptable Level of Service (LOS) of B or better. Under future conditions, intersections would operate at an acceptable LOS of C or better. Implementation of the project would increase delay on the Durham Dayton Highway by a fraction of a second, but would not deteriorate to an unacceptable LOS. Therefore, the project would not generate carbon monoxide (CO) hotspot impacts and would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.

### 2. Housing

- Extend public services to vacant areas ready for new housing starts by forming improvement districts (Policy D2N-P2.4).
- Concentrate future residential uses within or near existing developed communities (Policy D2N-P8.1).

The project proposes a compact senior community, consisting of 139 single-family residential lots ranging in size from ±5,284 to ±9,801 square feet, together with a community center (±0.60 acres), and open space is proposed in the southern and southeastern portion of the site. In addition, a neighborhood-oriented commercial/retail center will be located on a ±0.66 acre parcel to accommodate a small retail center (e.g., food/drug store, or other related commercial/retail uses) to serve residents of the project as well as residents of the Durham community. The project will also provide a secure RV parking area (± 2.55 acres) for use by the residents. A separate parcel will be created for the existing single-family home and associated buildings.

Durham Villas is configured in a compact development pattern compared to traditional one-acre lot subdivisions that would be allowable in VLDR-1.0 zone. The proposed PUD development pattern includes 67 acres of the existing almond orchard to be retained in active production (providing carbon sequestration benefits). In addition, the design of the project will result in a reduction of 113,297 square feet of asphalt concrete and 3,307 square feet of curb, gutter and sidewalk area as compared to a standard, one-acre lot subdivision.

Compared to homes built in 1990, new homes built under the current California energy code (Title 24) in conjunction with increasingly stringent national appliance standards are more energy efficient. An analysis of the energy efficiency measures and solar photovoltaic systems proposed for the Durham Villas project indicated that heating and cooling loads would be reduced by a minimum of 30 percent. The subdivision’s design, which will maximize southern exposures and proposes solar photovoltaic systems to be incorporated into the 139 residential units, will meet over 95 percent of the average home’s annual electricity requirements. In order to assure maximum energy efficiency, the project will incorporate the following components:

- Project construction incorporating recycled-content materials to the greatest extent feasible;
Compliance with the Green Building Standards adopted by the California Standards Commission at the time of building permit application, including requirements about low-or no-toxicity building materials;

- Construction of storm water facilities, building designs and materials that will promote groundwater recharge;
- Design of internal project site street systems to support the potential use of Neighborhood Electric Vehicles (NEV);
- Compliance with all appropriate green planning standards; and
- Compliance with the guidelines of the California Energy Star New Homes Program and demonstrate detailed energy conservation measures.

Proposed energy efficiency measures established by the California Advanced Homes Program (CAHP) will reduce amount of electricity used by the average home in the proposed project by 1616 kilowatt hours and natural gas use by 94 therms. The analysis concluded that these measures will reduce total residential GHG emissions by 447 metric tons annually or approximately 26.4 percent of the calculated total emissions for the proposed project beyond that provided through the application of Title 24 standards alone.

- Provide for the protection of visually appealing features of the community that enhance the residents' perception of the local environment and evoke community pride (Policy D2N-P9.4).

The northern boundary of the project site abuts the Durham Dayton Highway for a distance of approximately 2,000 feet. An existing row of oak and Black Walnut trees will be retained, and a decorative wall and entry features and walking path will be incorporated along the frontage to aesthetically screen the project from public views from the highway, and to shield outdoor lighting in accordance with the County’s Lighting Ordinance.

A 300-foot wide buffer area on the southerly and southeasterly edge of the subdivision will be used as leach field areas, RV parking and open space. These buffers are planned to mitigate any incidental drift of chemicals and dust and to reduce potential noise impacts from agricultural operations. The remaining orchard will serve to further buffer the new residences from the existing industrial properties.

A number of other elements have been incorporated into the design of the project to minimize or eliminate potential adverse environmental impacts that might otherwise result from development. These elements include:

- Alignment of roads and improvements to minimize impacts to mature trees on the project site, including several large Valley Oaks and Black Walnuts;
- Maintenance of up to 67 acres of producing almond orchards to maintain agricultural productivity and carbon sequestration;
- Avoidance of culturally sensitive areas;
- Provision of on-site commercial/retail uses and a community center to reduce vehicular trip generation from the site;
- Establishment of pedestrian/bicycle pathways into and out of the project area to reduce motor vehicle trips and promote community health; and
- Provision of an approximately 44,300 square foot neighborhood park to be maintained by a lighting and landscape district for the recreational and open space uses of the residents.

3. Utilization of Resources

- Encourage industrial, agricultural and commercial uses, which provide tax revenues to help support planned residential growth (Policy D2N-P4.1).
- Protect agricultural lands, which currently produce, or have the potential to produce, from encroaching urban uses (Policy D2N-P6.6).

The project site is currently maintained as a mature almond orchard. The portion of the orchard where development will occur is heavily infected with the oak fungus, Armillaria mellea, which has been a recurring problem in this
orchard. As a consequence, tree replacement is no longer feasible in this area. One hundred thirty-nine (139) active senior housing units, a community center, park, open spaces, walkways and parking areas will be located in the area of tree removal, which constitutes 51 acres. Approximately 67 acres will be retained in almond production. With the reduction in orchard size, the owner will be better able to focus on improving the vitality of the remaining almond trees.

4. Public Facilities and Services

- Extend public services to vacant areas ready for new housing starts by forming improvement districts (Policy D2N-P2.4);
- Foster a compact rather than a scattered development pattern in order to discourage urban sprawl, to reduce the extension and cost of public services, and to preserve open space within the Planning Area (Policy D2N-P4.4);
- Ensure the ongoing operation and funding of the Durham Fire Station and library services provided by the County (Policy D2N-P4.5);
- Coordinate growth with the ability of the Durham Unified School District's to service and provide facilities (Policy D2N-P4.6);
- Review the option of package treatment plants or sanitary sewer systems for the communities of Durham, Dayton and Nelson (Policy D2N-P4.7).
- Expand the recreational opportunities of the Planning Area (Policy D2N-P4.8).
- Require subdivisions adjacent to existing water systems to connect to them (Policy D2N-P6.8).

Adequate public facilities and services are available and will be extended to the project area. The project area will be served by the Durham Irrigation District, which will supply domestic water and fire flows. A wastewater system providing collection, treatment and disposal through individual septic tanks and a community disposal field that will be managed by a County Service Area. The Durham Irrigation District will make an application for annexation to the District to the Butte County Local Agency Formation Commission.

Water system improvements will consist of the installation of a new well and pump station in the southwest corner of the community center parcel that will be capable of pumping a minimum of 1,500 gallons per minute, along with filters and backup generator(s). The maximum daily demand for water usage in the subdivision was computed using State of California guidelines and is equal to approximately 288,000 gallons per day or approximately 200 gallons per minute. A system of 6”, 8” and 10” pipelines will be installed in the streets to supply domestic water flows, including adequate flows for fire sprinklers, to each residence in the project and between 1,000 and 1,500 gallons per minute fire flows through fire hydrants spaced approximately 500 feet apart along street frontages. Water use by the proposed development is estimated to be 30% less than that of the existing agricultural operations.

Waste discharge requirements for the operation and maintenance of the community wastewater collection, treatment and disposal system will be subject to the approval of the Regional Water Quality Control Board. Water supply will be permitted and approved by California Department of Public Health.

- Protect the capacity of floodplain and prevent flood damage and associated public relief expenditures created by construction of residential structures in the floodplain (Policy D2N-P7.5).

Portions of the project area in proximity to Butte Creek are currently located within Flood Zone AO as designated by the Flood Insurance Rate Map (FIRM) administered by the Federal Emergency Management Agency (FEMA). The AO zone delineates areas that are subject to the flood inundation in a 100-year event.

The project engineer is pursuing the accreditation of the west levee along Butte Creek to remove the subdivision project site from the existing 100-year flood plain. Preliminary evaluation of the levee adjacent to the subdivision complies with FEMA’s criteria for accreditation and if approved by FEMA, will result in the removal of the project site from the 100-year floodplain. Additionally, the engineer is pursuing the accreditation of the remainder of the
levee between State Highway 99 and the Midway, south of Durham. If successful and approved by FEMA, the properties protected by the west levee of Butte Creek will also be removed from the 100-year flood plain.

Street-side storm drains will direct excess storm water into a subterranean storm water collection and infiltration system. Infrastructure within the public right of way is to be maintained by a County Permanent Road Division (PRD).

The storm drain collection and disposal system will consist of storm drain leach trenches installed beneath the sidewalks. The proposed conceptual storm drain plan will contain and dispose of all runoff within the proposed development, thereby eliminating the runoff from the property.

Fire protection and emergency services are provided to the project site by the Butte County Fire Department (BCFD) and Butte County Volunteer Firefighters. BCFD contracts with California Department of Forestry and Fire (CALFIRE) to staff BCFD stations though annual cooperative agreements.

BCFD Station 45 is located at 2367 Campbell Street in Durham and is within one mile of the farthest proposed entrance to the project site. The average response time in Durham is less than eight minutes. The project will provide water and fire hydrants on site for fire safety. In addition, a portion of development impact fees assessed by the County help fund fire protection facilities.

The project will be required to fund fire and emergency services to ensure adequate response times and fire services. As a condition of project approval, the project proponent would be required to participate in a funding mechanism approved by the Department of Public Works with terms and conditions acceptable to the Butte County Fire Chief.

The Butte County Sheriff’s Office (BCSO) provides police protection for the project site. The main Sheriff’s Office is located at 33 County Center Drive in Oroville and the nearest BCSO substation to the project site is located at 479 East Park Avenue in Chico, approximately 6 miles away by car. The BCSO is the countywide coordinator for mutual aid situations and maintains mutual aid agreements with the California Highway Patrol and the municipal police departments. Developers pay impact fees that in part support police protection.

The Durham Recreation and Park District (DRPD), one of five independent and non-enterprise districts in the County (reliant on property tax revenue for operations), provides parks and recreational facilities for area residents. The 24-acre Durham Community Park is within ½ mile east of the project site; other DRPD recreational facilities of approximately 10.3 acres are located within ½ mile west, in Durham.

Amenities within the project include a park (±1.02 acres) for use by the project residents and the development of open space areas for pedestrian and bicycle use and for walking dogs, including a walking path around the project site. The community center will be provided for use by project residents and will contain lawn areas, picnic tables and a children’s play area. The project also provides a pedestrian/bicycle path from the west end of the curb, gutter and sidewalk along the south side of Durham Dayton Highway to the intersection of Midway and Durham Dayton Highway. The park, community center and public open space areas will be owned and maintained by a Landscape and Lighting District and a Community Service District. The open space and recreational amenities proposed within the project will help offset any increased use of existing recreational facilities in the vicinity.

- Protect agricultural lands which currently produce, or have the potential to produce, from encroaching urban uses (Policy D2N-P6.6).

The current Butte County General Plan, adopted October 2010, includes an Agriculture Element. The Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency was incorporated into Agricultural Element, which identified the project site as Prime Farmland. The General Plan Land Use Map designates the project site as VLDR (Very Low Density Residential, up to one unit per acre). The zoning designation on the project site is consistent with the General Plan.
The Environmental Impact Report (EIR) prepared for the current General Plan considered the impacts resulting from the build-out of the General Plan, including conversion of approximately 4,700 acres of farmland to non-agricultural uses. The Butte County Board of Supervisors determined that goals, policies, actions, and regulations of the General Plan would reduce and partially offset the conversion of farmland into non-agricultural uses, but found that there are no feasible mitigation measures that the County could adopt to reduce the impact to be less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the County found that specific economic, social, and other benefits identified in the Statement of Overriding Considerations supported the approval of the General Plan. The Durham Villas project will convert 51 acres of agricultural land to non-agricultural uses, and is considered a significant but unavoidable impact as previously evaluated in the General Plan EIR. The 67 acres to remain in almond production will be maintained in accordance with the Agricultural Maintenance Plan prepared in accordance with Butte County General Plan Policy AG-P2.5 (see Appendix I).

The Urban Reserve Policy requires that any proposal for a subdivision, which would create residential parcels that are less than three acres in size, must be coordinated with all public agencies that provide utility and public services for the extension of water, sewer, circulation and drainage. That subdivision shall be accompanied by the following plans:

- A capital improvement plan/program that indicates where and when physical improvements are to be made, the size of these improvements, standards, phasing of treatment facilities and lines to service the area, and how they will be financed;
- A park and open space plan that identifies locations and standards for park and recreation areas to serve future growth and natural open space areas that are to be preserved;
- An environmental plan that identifies critical areas that should be protected from development if applicable;
- A street and transportation plan that indicates the location, capacity and nature of the system and off-site transportation impacts;
- Health department standards for control of septic systems and water wells. Areas where wells and septic systems are not permissible should be identified; and
- A fiscal plan that identifies the proportion of costs of public facilities and services to be reimbursed by the subdivision.

Each of these plans and standards required are incorporated into the subdivision as detailed in the above sections.

N. Other Public Agency Approvals Required:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Water Resources Control Board (SWRCB)</td>
<td>Construction Storm Water Permit</td>
</tr>
<tr>
<td>Federal Emergency Management Agency (FEMA)</td>
<td>Accreditation of Butte Creek Levee and FIRM Map Revision</td>
</tr>
<tr>
<td>California Department of Public Health</td>
<td>Domestic Water Supply Permit</td>
</tr>
<tr>
<td>Central Valley Regional Water Quality Control Board (CVRWQCB)</td>
<td>Storm Water Pollution Prevention Plan, Waste Discharge Requirements</td>
</tr>
<tr>
<td>Butte Local Agency Formation Commission (LAFCo)</td>
<td>1. Formation of a Community Services District and Landscape and Lighting District, including preparation and approval of a Municipal Service Review and a Sphere of Influence Plan.</td>
</tr>
<tr>
<td></td>
<td>2. Formation of a County Service Area, including preparation and approval of a Municipal Service Review and a Sphere of Influence Plan.</td>
</tr>
<tr>
<td></td>
<td>3. Annexation of the project site into the Durham Irrigation District, including preparation and approval of a Municipal Service Review and Sphere of</td>
</tr>
</tbody>
</table>

<p>| Butte County Department of Development Services, Planning Division |
| Initial Study for Durham Villas Subdivision  Page 10 of 45 |</p>
<table>
<thead>
<tr>
<th>Influence amendment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Durham Irrigation District (DID)</td>
</tr>
</tbody>
</table>
Figure 1.4. Site Plan Map
DETERMINATION

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project COULD have a significant effect on the environment, there will NOT be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project COULD have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☒ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Charles Thistlethwaite, Planning Manager                     Date

Reviewed by: Pete Calarco, Assistant Director               Date

3.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST SETTING

A. Environmental Factors Potentially Affected:

The environmental factors checked below could be potentially affected by this project; however, with the incorporation of mitigation measures, potentially significant project related impacts are reduce to a “less than significant” level (CEQA Guidelines 15382).

☐ Aesthetics              ☒ Agriculture and Forestry              ☒ Air Quality
☒ Biological Resources    ☒ Cultural Resources              ☐ Geologic Processes
☒ Greenhouse Gas Emissions ☐ Hazards and Hazardous Material    ☒ Hydrology/Water Quality
☒ Land Use / Planning     ☐ Mineral Resources              ☒ Noise
☐ Population / Housing    ☐ Public Service               ☐ Recreation
☒ Transportation/Traffic  ☒ Utilities and Service Systems  ☐ Mandatory Findings of Significance

B. Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact”
answer should be explained where it is based on project-specific factors as well as general standards, (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis.)

2) All answers must take account of the whole action involved including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) “Reviewed Under Previous Document.” Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used: Identify and state where they are available for review.
   b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures: For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

4.0 ENVIRONMENTAL IMPACTS:

4.1 AESTHETIC/VISUAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
</table>
Would the proposal:

<table>
<thead>
<tr>
<th>Would the proposal</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees,</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
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<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>its surroundings?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>day or nighttime views in the area?</td>
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</tbody>
</table>

Impact Discussion:

(a) Butte County has not defined significant aesthetic/visual resources within the County. However, the visual dominance of a project and its affect upon the sensitivity of a view towards or from the project site may be used to evaluate impacts to visual resources. The project site is rural property with a residence on the eastern boundary and a pump repair business on the western boundary. As the site is fronted by the rural Durham-Dayton Highway with existing orchards and a residence, the public viewpoint is limited to approximately 2900 feet as they drive by on Durham-Dayton Highway. A newer housing project lies directly across from the project site on Van Ness Way. The applicant has incorporated retention of the existing row of oak and Black Walnut trees, together with a wall and decorative entry features to minimize any adverse aesthetic effect of the appearance of the proposed project. The raised berm/walking path will also minimize the aesthetic impact of the proposed projects from adjacent properties.

Less Than Significant Impact

Mitigation Measure: None Required

(b) The project is not located within a designated scenic vista nor is the project located within a state scenic highway area as posted by the California Department of Transportation. The project has no impact on trees, rock outcroppings or historic buildings. Less Than Significant Impact

Mitigation Measure: None Required

(c) The project site is currently a mature almond orchard that needs to be removed due to the oak fungus, *Armillaria mellea*. The applicant indicates that due to the fungus, tree replacement is no longer an option. The project calls for 140 active senior housing units, a community center, park, open spaces, walkway berm and parking areas. The project also includes development of a bus stop on site and a pedestrian/bicycle safety lane on Durham-Dayton Highway. Development of landscaping along the roadside will enhance the visual character of the site and ensure against visual degradation from the roadside. Less Than Significant Impact

Mitigation Measure: None Required

(d) Installation of residential lighting and commercial lighting has the potential to create a new source of nighttime glare for surrounding rural residents and vehicles travelling along the Durham-Dayton Highway. The County adopted a Lighting Ordinance that provides standards for the design and location of outdoor lighting in residential areas in order to limit light trespass and glare. It requires that light fixtures be shielded, directed, and located such that direct light is limited to the parcel of origin. Accordingly, project impacts to aesthetics are considered less than significant. Less Than Significant Impact

Mitigation Measure: None Required

4.2 AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s...
inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>X</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Result in the loss of forest land or conversion of forest land to non-forest use?</td>
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<tr>
<td>e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Setting:

The current owners began operating the orchard on this property in 1968 and purchased it in 1973. They believe it was planted about 20 years earlier. They have managed it continuously since 1968. They utilize the services of Scientific Methods to monitor the condition of the orchard and recommend management actions, including fertilization, pest control, and pruning. They will continue to carry out the orchard maintenance plan for the remaining orchard. The owners propose a 200-foot wide buffer between the proposed lots and the orchard trees that are to remain in production plus a raised berm/walking path on the western edge of the subdivision adjacent to the remaining orchard and a similar average sized buffer on the southern edge to be used as an RV parking area. The western buffer area will be used as leach field areas and open space. These buffers and raised berms are planned to eliminate any incidental drift of chemicals and dust and to reduce potential noise impacts from sprinkler irrigation.

Impact Discussion:

(a)(e) In November 2011, the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency issued an Important Farmlands Map for Butte County identifying Prime Farmland. This was incorporated into the 2030 Butte County General Plan. A subsequent action by the Butte County Board of Supervisors reclassified the land from orchard and field crops to low density residential, one dwelling unit per acre. The parcel is identified as Prime Farmland.

The project lies within the Durham Dayton Nelson Plan area which was incorporated into the 2030 Butte County General Plan. Policy D2N-P6.6 states “Protect agricultural lands which currently produce, or have the potential to produce, from encroaching urban uses.”

The Butte County General Plan EIR discusses impacts from the build-out of the General Plan, including conversion of approximately 4,700 acres of farmland to non-agricultural uses as a Significant Impact. The goals, policies, actions, and regulations of the General Plan will, however, reduce and partially offset the conversion of farmland into non-agricultural uses. In the Adopting Resolution of the General Plan (Resolution 10-150, October 26, 2010), the County found that there were no feasible mitigation measures that would reduce the impact of such conversions to a level of less than significant. These impacts were accordingly determined to be Significant but Unavoidable.
Although the project will convert Prime Farmland to a non-agricultural use, there has been a recurring problem of oak root fungus (*Armillaria mellea*) in this orchard. This fungus affects a variety of conifers and broad-leaved trees throughout the United States. It is persistent and survives in root systems long after infected trees have died and been removed. It persists in the soil for about 10 meters around the canopy of infected trees and is present for decades after tree removal. It has required repeated replacement of almond trees in several areas of the orchard. The reduced production caused by *Armillaria* infections and the cost of replacing trees has reduced the economic viability of this orchard. The other pests in the orchard include leaf mites and pocket gophers, which are irregular problems and controlled as necessary. Navel orange worm has not been a problem in this orchard, in part because the replants have been hard shell varieties. As discussed above and because the fungus has significantly reduced the productiveness of the orchard, this conversion to a non-agricultural use is considered a significant but unavoidable adverse impact.

The project will convert 51 acres of agricultural land to non-agricultural uses. This is considered a **Significant but Unavoidable Impact** as previously evaluated in the General Plan EIR. Further analysis has been recommended to assess the magnitude of the conversion relative to overall buildout of the General Plan and how well the project complies with General Plan policies and ordinances that apply to conversion of agricultural lands. Without further analysis, this impact is considered **Potentially Significant**.

(b)(c)(d). The project site is not located within or adjacent to lands in a Williamson Act contract. This project site is not forested so will not convert forest lands to other use and does not conflict with existing zoning or cause rezoning of forested land. **No Impact**

### 4.3 AIR QUALITY:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>X</td>
<td></td>
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<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td>X</td>
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<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td>X</td>
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</table>

**Impact Discussion:**

An air quality assessment was conducted for the project, which had a slightly different configuration from the current design, by LSA Associates, Inc., in March 2012. This study utilized URBEMIS to model air pollution outputs and was used for an Initial Study assessment in 2012. The BCAQMD recommended that the air quality model be redone using CalEEMod, which has replaced URBEMIS as the model of choice for air quality analysis. The previous model by LSA is inadequate for determining if there are potentially significant impacts on air quality from the proposed project. It is recommended this area be evaluated under an EIR. **Potentially Significant Impact**
### 4.4 BIOLOGICAL RESOURCES:

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<tbody>
<tr>
<td><strong>a.</strong> Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>b.</strong> Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td><strong>c.</strong> Have a substantial adverse effect on federally protected wetlands as defined by Section 404 or the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td><strong>d.</strong> Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td><strong>e.</strong> Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy ordinance?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td><strong>f.</strong> Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td><strong>g.</strong> A reduction in the numbers, a restriction in the range, or an impact to the critical habitat of any unique, rare, threatened, or endangered species of animals?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td><strong>h.</strong> A reduction in the diversity or numbers of animals onsite (including mammals, birds, reptiles, amphibians, fish or invertebrates)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>i.</strong> A deterioration of existing fish or wildlife habitat (for foraging, breeding, roosting, nesting, etc.)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>j.</strong> Introduction of barriers to movement of any resident or migratory fish or wildlife species?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>k.</strong> Introduction of any factors (light, fencing, noise, human presence and/or domestic animals) which could hinder the normal activities of wildlife?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>
Project Name: Durham Villas Subdivision

Impact Discussion:

(a)(b)(c)(d) The biological resources within the project area were evaluated during two resource studies: A Biological Resources Survey prepared by David Arnault of American Valley Environmental on December 11, 2009 and an Arborist’s Report prepared by certified arborist, Jacob Morely, of Moonlight Arborist of Chico on December 9, 2009. These studies provided information on the plant and animals species within the site and described the habitats in and adjacent to the site. Eco- Analysts reviewed these resource surveys and generated and reviewed updated rare and endangered species lists because the ones associated with the Biological Resources Survey had expired.

The surveys did not identify any listed plant or animal species or wetlands within the site, which is presently composed an 118-acre parcel containing a working almond orchard and a single-family residence. Updated species lists did not reveal any additional listed species with a high potential for occurrence on the project site. The Biological Resources Survey identified potential nesting habitat for Swainson’s Hawk (Buteo swainsonii) in the large trees on site and in patches of remnant riparian forest and oak woodland adjacent to the site. Two historic nesting records for Swainson’s Hawk exist 2.2 miles south along Butte Creek and 2.5 miles north of the site in an agricultural area. Nesting habitat for Swainson’s Hawks in Butte County consists of cottonwood willow riparian forest, valley oak riparian forest and willow scrub in open terrain and is often found along stringers of remnant valley and foothill riparian forest and the edges of oak woodland habitats (Estep 1989; Schlorff and Bloom 1984; England et al. 1997). In addition to nesting in trees bordering agricultural fields, abandoned farms and along wetland edges, Swainson’s Hawks will also use other native and nonnative trees and habitats such as roadside trees, windbreaks, oak groves, isolated trees, and trees clustered around rural residences. Swainson’s Hawks may forage up to 10 miles from nesting sites (Estep 1989, Babcock 1995). Foraging habitat for Swainson’s Hawks in the Central Valley consists primarily of agricultural areas including hay fields, grain crops, certain row crops, and lightly grazed pasturelands. Fields that lack adequate prey populations (e.g., rice fields when flooded) or those in which prey is less accessible due to vegetation characteristics (e.g., vineyards and orchards) are rarely used (Estep 1989, Babcock 1995, Swolgaard et al. 2008). There is no appropriate foraging habitat located on site as the land is covered almost entirely by almond orchard.

The project area does have potential habitat for breeding birds and vegetation removal and construction have the potential to adversely affect breeding birds and nesting raptors, if they are present. Migratory birds and raptors are protected by the California Fish and Game Code (§3503), the Migratory Bird Treaty Act (MBTA, 16 USC §703), State and federal Endangered Species Acts, and the California Environmental Quality Act (CEQA). The Biological Resources Survey recommends that vegetation removal and ground disturbance be conducted outside of the bird nesting season in the Central Valley, if possible. If work is required during this time period, then pre-construction nest surveys by a qualified biologist must be made to identify potentially active nests or nesting pairs and appropriate avoidance measures (spatial or temporal buffers) must be implemented as determined by California Department of Fish and Game (CDFG). CDFG also requires a Management Authorization for the removal of any Swainson’s Hawk nest tree, as Swainson’s Hawks reuse their nests from year to year. The mitigations identified will reduce potential adverse impacts on breeding birds from Potentially Significant to Less Than Significant with Mitigation Incorporated

Mitigation Measure BIO-1: Nesting Migratory Birds and Raptors. Prior to initiation of any ground disturbing/construction activities during the nesting season (1 March and 15 September), the area within 0.5 mile of the proposed disturbed area must be surveyed by a qualified biologist for active raptor and migratory bird nests during the appropriate nesting period for the species. All raptor and migratory bird nests on the project site should be avoided until young have fledged in accordance with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended.

• If an active nest is located within 0.5 mile of the project site, a biologist will monitor the nest weekly during construction to evaluate potential disturbance to nesting from construction activities. The monitor will have the authority to stop construction if it appears to be resulting in nest abandonment or forced fledging. Following a review of the breeding pair's behavior, CDFG will determine whether project activities in the area may continue during the nesting season and, if so, the conditions under which they may continue.

• If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree will be preserved until it is outside of the breeding season for that species or until the young have fledged. If construction cannot be delayed until the end of the breeding season, guidance
from CDFG shall be requested. Removal of any tree containing a Swainson’s Hawk nest may only be conducted after a Management Authorization is obtained from CDFG.

**Plan Requirements:** No vegetation removal, grading, road construction, or other earthwork shall be permitted until the nesting bird survey has been completed and a qualified biologist is hired by the project applicant for nest monitoring, if necessary.

**Timing:** Prior to construction.

**Monitoring:** The Butte County Department of Development Services

(a, e) For any subdivision project, Butte County requires those with oak trees on site include a detailed Arborist’s Report, which may also include a Tree Management and Preservation report if the site is found to contain significant oak woodlands. The Arborist’s Report inventoried trees on site, which included Canyon Oak (*Quercus chrysolepis*), valley oak (*Quercus lobata*), Incense Cedar (*Calocedrus decurrens*), Black walnut (*Juglans nigra*), Redwood (*Sequoia sempervirens*) and Privet (*Ligustrum lucidum*), and ranked them according to health and structure. The majority of the trees on the site were above 20 inches in diameter at breast height (dbh). Three very large (47 + inches dbh) specimen valley oaks located along Dayton Durham Highway were ranked highest among oaks in quality health and structure. The project site does not contain significant oak woodland, and the proposed project will not affect the small number of Heritage Oaks that exist on site. **Less Than Significant Impact**

**Mitigation Measure:** None Required

(a, e) The 2009 Arborist’s Report indicated several Black Walnuts (*Juglans nigra*) occur within the project area. Field review performed in spring 2012, including observation of walnut shells on the ground, revealed inconsistencies with the identification of these walnut trees. Shell characteristics are strongly consistent with the Northern California Black Walnut (*Juglans hindsii*), a critically imperiled, seriously endangered tree listed by the California Native Plant Society as 1B.1, their highest rare plant rank for a species not extinct. As of 2003, only one native population was considered viable (CNPS 2010). The current project design will not require removal of any large walnut trees. If any of the large walnut trees are scheduled for removal in the future, the trees should first be examined by a qualified arborist who is familiar with methods required to determine if the walnuts on the property are native Northern California Black Walnuts, eastern Black Walnuts, or a hybrid species so that any Northern California Black Walnuts, if they exist, can be preserved. **Less Than Significant Impact**

**Mitigation Measure:** None Required

(f) Preparation of the Butte Regional Conservation Plan began in 2007 and is being coordinated by the Butte County Association of Governments (BCAG) on behalf of the Cities of Biggs, Chico, Gridley, Oroville, and the County of Butte. The project area falls within the area covered by the Butte Regional Conservation Plan (still under preparation) within the Northern Orchards Conservation Acquisition Zone and within the Durham Urban Permit Area. The Urban Permit Area is the area identified by the Butte County General Plan and Durham-Dayton Area Specific Plan as areas desired for urban development. The project does not conflict with provisions of the Butte Regional Conservation Plan in its current form for these areas. **Less Than Significant Impact**

**Mitigation Measure:** None Required

(g)(h)(i)(j) No listed species of wildlife have been documented to utilize the project site and no designated critical habitat for any listed species exists on site. Critical habitat for Central Valley Steelhead (*Onchorhyncus mykiss*) and Chinook Salmon - Central Valley Spring-run ESU (*Onchorhyncus tshawytscha*) exists approximately 0.15 miles to the east of the site in Butte Creek; the project will not affect Butte Creek. Several species of migratory birds were observed on site and may forage and breed on the property, though orchard operations likely already deter some use by nesting birds. Once the proposed project is built, retained open space and residential landscaping will provide wildlife habitat for some species, and adjacent forested parcels will also allow retreat, resting and nesting opportunities such that impacts to wildlife resulting from the project would be less than significant and are not thought to result in significant deterioration of existing fish and wildlife habitat or to introduce barriers to movement of any resident or migratory fish or wildlife. **Less Than Significant Impact**

**Mitigation Measure:** None Required

(k) Introduction of new lighting, fencing, noise, human presence and/or domestic animals can hinder the normal activities of wildlife living in and passing through the project site. Butte County has residential lighting standards that
require all outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way, which will reduce some disturbances to wildlife using habitat adjacent to residential properties due to lighting. With the adequacy of nearby forested parcels for wildlife cover and retreat, this impact is expected to be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

### 4.5 CULTURAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tr>
</tbody>
</table>

#### Impact Discussion:

Historical and archaeological resources are protected by both federal and state regulations including the National Historic Preservation Act of 1966 (code), the California Environmental Quality Act (code), SB -18 California Native American Traditional Tribal Cultural Places, which requires local governments to consult with tribes prior to making certain planning decisions including the adoption and amendment of general plans, and the California Native American Graves Protection and Repatriation Act of 2001. SB 18 consultations were carried out with affected tribes prior to adoption of the Butte County General Plan in 2010. CEQA requires lead agencies to make two determinations regarding historical or archaeological resources that may be affected by projects: 1) whether a project will impact a resource that falls within the definition of a “historical resource” and 2) whether any such impact will substantially adversely change the significance of the resource. This requires that Phase 1 archaeological inspections including a field assessment be conducted on all discretionary projects in order to discover if any historical resources that could be affected by the project exist prior to the issuance of permits.

(a)(b)(c)(d) The project site is believed to have been converted to an orchard in the late 1940’s and has been operated as an active almond orchard by the current owners since 1968. A Phase 1 cultural inventory of the site, including a historical records search and detailed surface examination, was conducted by archeological, historical and cultural resource specialists, Jensen and Associates of Chico, in November of 1991. The cultural report dated November 30, 1991, did not include Native American contacts, but indicated that the site contained at least one prehistoric site of potential historical significance that had been previously recorded in the 1970’s. The Durham area, particularly in the vicinity of Butte Creek is known to be a sensitive area for historical resources, including prehistoric Native American artifacts, as well as artifacts from the Gold Rush era and historical homesteads. The cultural resources report recommends preservation of this resource “as is” or, if the resource cannot be preserved, a detailed plan of approach for subsurface evaluation of the resource, which may include a phased approach, should be prepared and carried out by a qualified professional archeologist.

The current project design avoids any ground-disturbing work in the area of the identified prehistoric site. However, because of the presence of a potentially historically significant site on the project site, the likelihood that ground-disturbing work elsewhere on the project site could reveal subsurface cultural artifacts or subsurface human skeletal remains is high. The following mitigation addresses the potential impact to historic resources on site and reduces the impact to less than significant. **Less Than Significant with Mitigation Incorporated**

**Mitigation Measure CULT-1: Cultural Resource Protection.** Place a note on a separate document, which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans, that includes the following:
Project Name: Durham Villas Subdivision

- The project engineer shall create a map of based on the Jensen and Associates 1991 Cultural Resources Report that indicates the area of the prehistoric site of potential historical significance with a 100-foot buffer and labeled “Environmentally Sensitive Area.” No ground-disturbing work shall be allowed within this area.

- The note shall include the following language: “A qualified archaeological monitor shall be hired and be present to inspect all ground-breaking activities including tree removal. Should grading activities reveal the presence or prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: This measure shall be implemented during all site development activities.

Monitoring: Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

4.6 GEOLOGIC PROCESSES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
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<tr>
<td>2. Strong seismic ground shaking?</td>
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<td>3. Seismic-related ground failure, including liquefaction?</td>
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<td>4. Landslides?</td>
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<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
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<td>X</td>
</tr>
<tr>
<td>c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td></td>
<td></td>
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<td></td>
<td>X</td>
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</table>
Would the proposal:

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</tr>
</thead>
<tbody>
<tr>
<td>e.</td>
<td>Have Soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal or waste water?</td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

Impact Discussion:

A Geotechnical Report for the project was prepared by Lumos and Associates of Chico, California, in December 2009 and provided baseline geotechnical data for this section of the Initial Study. Durham, California, is located in the Sacramento Valley west of the Chico Monocline in the Great Valley Geomorphic Province between the Sierra Nevada and Coastal Range Geomorphic Provinces. The Great Valley formed from a series of geologic events of accretion, subduction and deposition beginning in the late Mesozoic Era, producing a thick sequence of marine sediments. Over time these sediments became unconformably overlain by volcanic, alluvial and fluvial deposits into the Miocene to Holocene ages. The deposits that underlie the surficial geology in the area are the Lovejoy Basalt, Tuscan Formation, Riverbank Formation and Modesto Formation. Dynamic geologic processes that have formed the region, including earthquakes and faulting, are of special concern for any project.

(a1) Section III, Seismic and Geologic Hazards, of the Healthy and Safety Element of the Butte County General Plan 2030 notes that all of Butte County is in Moderate Earthquake Intensity Zone VIII where, according to the California Division of Mines and Geology (1995) local intensities could vary from Zone VII to Zone IX. No known faults or Alquist-Priolo special studies zones occur in or directly adjacent to the project site (California Department of Conservation 2007). The Cleveland Hills Fault (activated in 1975), approximately 25 miles southeast of the project area was designated pursuant to the Alquist-Priolo Fault Zoning Act as a special studies zone. Like much of California, the project site can be expected to be subjected to seismic ground shaking at some future time. The Health and Safety Element notes that "conservatively ground motions as strong as those observed during the 1975 Oroville Earthquake (Modified Mercalli Intensity VIII) can be expected anywhere in Butte County." (pgs. 291 - 193) Accordingly, all buildings and other improvements will be designed and installed in accordance with the 2010 California Green Building Standards Code (CBC) requirements.

(a2) All of Butte County has been designated as a “seismic hazard zone” by the Seismic Mapping Program of the California Geological Survey. Due to the proximity of a number of active faults capable of producing Richter magnitude earthquakes of 6.0 to 6.5, ground shaking can be assumed to occur. The project will comply with the 2010 California Green Building Standards Code construction requirements. The Geotechnical Report for the project states that the design for ground shaking intensities will be based on a repeatable ground acceleration of 0.12g, corresponding to a ten percent probability of exceedence in 50 years, as outlined by the USGS (2002).

(a3) (a4) Liquefaction at the project site is considered very low as the soils on the site have little sand to create the loss of shear strength needed for cyclic loading caused by ground shaking. The low liquefaction rate and lack of topography coincides with the lack of lateral spreading, landslide, or collapse. **Less Than Significant Impact**

Mitigation Measure: None Required

(b) Erosion, the removal of earth materials from one area with deposition to another area, is not considered to be an impact for this project as the site, an orchard for many years, has been leveled and maintained to prevent such erosion. The site has a low potential for erosion. **Less Than Significant Impact**

Mitigation Measure: None Required

(c) The project site and surrounding area has a low landslide potential due to the gentle topography, slopes from 0 to 2 percent, and relatively stable soils. Land subsidence, due to excessive pumping of groundwater or natural gas extraction in certain areas, can occur but is not considered a hazard in this area for this project. **Less Than Significant Impact**

Mitigation Measure: None Required
(d) Expansive soils swell when wet and shrink as they dry and have the potential to cause damage to structures and roads. The amount of clay mixed within soil layers is a major component of the expansion process. The Geotechnical Report has determined that in accordance with the UBI after extensive soil testing that the project will not create substantial risk to life or property due to expansive properties. **Less Than Significant Impact**

**Mitigation Measure: None Required**

(e) The Geotechnical Report for the project indicates that the soils as tested are capable of adequately supporting the use of septic tanks and leach fields. **No Impact**

**Mitigation Measure: None Required**

### 4.7 GREENHOUSE GAS EMISSIONS

<table>
<thead>
<tr>
<th>Would the proposal:</th>
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<th>No Impact</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>X</td>
<td></td>
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<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td>X</td>
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</table>

A greenhouse gas emissions assessment was conducted for the project, with a slightly different configuration, by LSA Associates, Inc., in March 2012. Assessment using CalEEMod, a newer air quality emissions program, was recommended by BCAQMD. The previous analysis did not make a comparison in GHG emissions resulting from the presently existing orchard and the proposed development to assist CEQA assessment.

On February 25, 2014, the Butte County Board of Supervisors adopted the Butte County Climate Action Plan (CAP). The CAP provides a framework for the County to reduce GHG emissions while simplifying the review process for new development. Measures and actions identified in the CAP lay the groundwork to achieve adopted General Plan goals related to climate change, including reducing GHG emissions to 1990 levels by 2020. In an effort to implement the measures of the CAP, a development checklist was created to evaluate a new projects consistency with the CAP, and to identify which GHG emission reduction measures would be implemented with project approval.

Impacts from GHG emissions must be considered to be potentially significant until adequately analyzed with the CalEEMod model. In addition, the project will be analyzed for consistency with the goals, policies and requirements of the CAP. The proposed EIR’s GHG analysis will analyze how consistent the current project is with applicable plans and regulations, including the approved CAP, aimed at reducing greenhouse gases.

### 4.8 HAZARDS AND HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th>Would the proposal:</th>
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<th>No Impact</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Create a significant hazard to the public or the environmental through the routine transport use, or disposal of hazardous materials?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</table>
### Would the proposal:

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<tbody>
<tr>
<td>b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>X</td>
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<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools?</td>
<td>X</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>d. Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
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<tr>
<td>f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
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<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>X</td>
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<tr>
<td>h. Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>X</td>
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<td></td>
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</tbody>
</table>

### Impact Discussion:

(a)(b)(c) The project does not involve the routine use, transport, or disposal of hazardous materials, nor will hazardous emissions or acutely hazardous substances be handled within a quarter mile of an existing or proposed school. The project site is not listed on any list of hazardous materials sites compiled pursuant to Section 65962.5 (Cortese List). Impacts due to the transport, use, disposal, emissions, or accidental release of hazardous materials are therefore considered to be less than significant. **Less Than Significant Impact**

Mitigation: None Required

(d) Searches of the Department of Toxic Substance Control’s EnviroStor database (DTSC, 2009), and the State Department of Water Resources Geotracker database (2012) were examined for potential sources of contamination in the area of the project. There are two recorded leaking underground gasoline storage tank sites undergoing remediation on the west side of the Midway in Durham. One with several monitoring wells is approximately 2,000 feet west of the site; the second is slightly over 1,900 feet to the southwest. Since the underground water gradient is to the southwest, neither site has an effect on the project being analyzed. The second listed site contains two scrap metal yards, located approximately 3.5 miles away along Highway 99. Given the project’s distance from these hazardous material sites and the remediation efforts and restrictions in place on these sites, the potential impacts are expected to be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

(e)(f) The closest airport is a private airstrip, the Johnson airstrip, which is more than five miles away. The project site falls outside of the Airport Compatibility Zone. Hazards due to air travel are expected to be less than significant. **Less Than Significant Impact**
Mitigation measure: None Required

(g) The Butte County General Plan Health and Safety Element adopted in 2010 primarily focuses on geologic and fire hazards. Currently Butte County has an Operational Area Disaster Plan which serves as the official Emergency Operations Plan (EOP) for the County. It includes planned operational functions and the overall responsibilities of each area of the County with level of service when addressing emergency situations. The Plan provides an overview of operational concepts, identifies components of the County’s emergency management organization, and describes the overall responsibilities of the federal, State, and County entities and the Butte County operational area for protecting life and property and assuring the well-being of the population. Implementation of the proposed project is expected to maintain service on County roads which could serve as emergency routes, and is not expected to otherwise interfere with implementation of the EOP. Impacts to emergency response or emergency evacuation needs are therefore expected to be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

(h) Although the Study Area is located in an environment not typically associated with wildland fires. The project site is located in a Local Response Area for fire protection services. Fire protection services would be provided by CAL FIRE/Butte County Fire. The exposure of people or structures to risks from wildland fire is expected to be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

4.9 HYDROLOGY AND WATER QUALITY:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Violate any water quality standards or waste discharge requirements?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
<td></td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td></td>
<td>X</td>
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<tr>
<td>e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td>X</td>
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<tr>
<td>f. Otherwise substantially degrade water quality?</td>
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<td>X</td>
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<tr>
<td>g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td></td>
<td>X</td>
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<tr>
<td>h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td></td>
<td>X</td>
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</tbody>
</table>
Would the proposal:

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Expose people or structures to a significant risk or loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>j.</td>
<td>Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td>X</td>
<td></td>
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</tbody>
</table>

Impact Discussion:

The project area is situated within the Butte Creek watershed of northern California. The channel of Butte Creek is located approximately 500 feet east of the eastern boundary of the project area. The creek is channelized along this stretch and bordered by agricultural lands and rural residences. There are no permanent watercourses, ditches, or wetland features within the project boundaries.

Project lands are characterized as flat and leveled, supporting a mature almond orchard. Immediately surrounding lands are also level with the eastern edge of the property following a natural ridge line and the parcel gently sloping toward the railroad tracks. A wetland delineation has not been performed nor is warranted for this site. The site does not exhibit any wetland or depressional features, nor was any hydrophytic vegetation observed during the field visit.

(a)(c) The project will not violate any water quality or waste discharge requirements. The project proposes installation of individual septic tanks for each lot. Each building in the subdivision will be connected to a septic tank that contains a pump to transport the wastewater effluent to the community leach field system via pressure pipelines in the streets. All wastewater discharge will be in compliance with discharge requirements of the CVRWQCB. The community leach field is to be situated along the southwestern corner of the main residential area. Maintenance of wastewater infrastructure is to be performed by a Community Services District (CSD) (discussed in detail in Section 4.17: Utilities and Service Systems).

The project will create new impervious surfaces (roads, driveways, and roofs) that will increase the rate of surface runoff during storm events. Roads and driveways create new sources for polluted runoff water. However, project design serves to minimize this impact. Additionally, standard conditions imposed by the required permitting serve to reduce these impacts to less than significant. A construction storm water permit shall be acquired from the State Water Resources Control Board prior to initiation of construction or grading.

Project design incorporates a flood control area designed to control, redirect, and store excess stormwaters and flood waters. Street side storm drains will direct excess stormwater into a subterranean storm water collection and infiltration system. Infrastructure within the public right of way is to be maintained by a County Permanent Road Division (PRD). With formation of the CSD and PRD, conformance with standard conditions (construction storm water permit) and the associated mitigation measure, the project is not anticipated to provide significant impacts to water quality or waste discharge. **Less Than Significant Impact with Mitigation Incorporated**

(b) The project proposes to abandon an existing agricultural well and install a new well that will be constructed to domestic water standards to provide residential drinking water and water available for fire protection. The proximity of Butte Creek to the project area and the high permeability of the area’s loamy soils indicate that Butte Creek is the primary source of recharge/discharge for the local groundwater table. Although the project will add new impervious surfaces to the area in the form of streets, driveways, and structures, this is not anticipated to significantly impact the local groundwater table. However, local farmers have expressed concerns that a residential development and the new well could impact the local groundwater they depend on for irrigating crops. The impact on groundwater must be considered a potentially significant impact until a groundwater analysis is provided to indicate otherwise. It is recommended that and EIR be prepared to address the groundwater supply questions. **Potentially Significant Impact**

(c)(d) The project will increase impervious surfaces that may change the drainage pattern of the site. However, the storm water conveyance system is thought to be adequate to direct excess stormwater into a subterranean storm water collection and infiltration system. This system is subject to review and approval by CVRWQCB. With the conditions of approval by this agency, this impact is considered less than significant. **Less Than Significant Impact**
(f) The project does not include any additional sources of water usage other than residential and landscape uses. No additional source of discharge is identified. The project will not otherwise substantially degrade water quality. **No Impact**

**Mitigation: None Required**

(g)(h) According to FEMA Insurance Rate Map 06007CO520E (Figure 4.9.1) the project area lies within Zone AO (Depth 2'), defined as a special flood hazard area subject to inundation by the 1% annual chance flood (100-year flood). AO flood zones typically are inundated to depths between 1 and 3 feet; this area is indicated as having a 2’ flood depth. Flooding in this area is described as usually sheet flow on sloping terrain. This description corresponds well with the topography of the site and expected flood water characteristics, including sheet flow on flat, gently sloping lands. The project would place housing and structures within a 100-year flood plain that could redirect flow. This impact is considered potentially significant. The applicant’s engineer is in the process of attempting to remove the property from the 100-year flood plain designation by accrediting the levee through FEMA. It is recommended that the feasibility of this action should be evaluated with an EIR analysis. **Potentially Significant Impact**

![Figure 4.9.1. Flood Insurance Rate Map](image)

(i) Although the project area is situated within a flood zone, the banks of Butte Creek are not built up by significant levees in this area. Minor berms approximately 5 feet above surrounding ground elevations are situated along both sides of Butte Creek along this stretch and do not provide significant protection from overbank flooding events. Failures or breaches in this berm would not appreciably alter the direction, stage, or intensity of flooding events. However, the area is indicated as being within zone AO, so there is a risk to structures and residents from 100-year flood events. This impact is considered potentially significant and warrants further evaluation with an EIR. **Potentially Significant Impact**

(j) The project is not situated in an area prone to seiche (desert environments), tsunami (coastal areas), or mudflow (steep slopes). **No Impact**

**Mitigation: None Required**
## 4.10 LAND USE:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b. Conflict with an applicable land use plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>X</td>
<td></td>
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<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

**Impact Discussion:**

(a) The project is situated within the community and commercial area of Durham, an unincorporated rural community with mixed agricultural and residential uses. The project is proposed on lands currently supporting an aging almond orchard. The project will not physically divide any established community. **No Impact**

Due to the conversion of agricultural lands that is proposed with the project, it is recommended that the project be analyzed in depth for compatibility with applicable land use plans in an EIR. **Potentially Significant Impact**

## 4.11 MINERAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

**Impact Discussion:**

(a)(b) A review of the current records on file with the California Geological Survey and the U.S. Geological Survey identified no known significant mineral, gem, or fuel, or non-fuel mining resources within the project area. The Butte County General Plan 2030 does not specify a mineral resource recovery site within the project area; therefore, impacts to locally important recovery sites for mineral resource are less than significant. The project site, or surrounding area, is not proposed or anticipated for mining operations. **No Impact**

**Mitigation Measure:** None Required
4.12 NOISE:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td></td>
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<td>X</td>
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</tr>
<tr>
<td>b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
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<td>X</td>
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<tr>
<td>d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
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<td>X</td>
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</tr>
<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
<td></td>
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<td>X</td>
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</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td></td>
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<td>X</td>
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</tbody>
</table>

Impact Discussion:

(a)(b)(c)(d) The noise sources near the project area include vehicular traffic on Durham-Dayton Highway, railroad operations along the Union Pacific Railroad (UPRR) line west of the project site, and some industrial facilities north and northwest of the site.

An acoustical analysis was conducted for the project by j. c. brennan & associates, Inc., in January 2010 to determine the current noise and future noise levels from these sources. Motor vehicle traffic volume data were obtained from a study by Lumos & Associates, engineers for the project, and analyzed using the Federal Highway Administration (FHWA) Traffic Noise prediction model. The 60 decibels (dB) line on the northern boundary of the project lies 53 feet from the center line of Durham-Dayton Highway, on the exterior side of the proposed berm around the project. The berm will provide additional noise shielding from vehicular traffic.

The project will not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels. A Union Pacific Railroad track passes within 1,000 feet of the western edge of the project. The noise contribution from the railroad (58.7dB) is within the acceptable limits for interior and exterior noise exposure in the Butte County General Plan 2030. No mitigations are required for railway noise.

Project construction is likely to increase short-term noise levels in the project area from on-site activities and construction traffic. Construction equipment typically generates on the order of 80 to 95 dB at a distance of 50 feet. As a result, receptors in the vicinity may experience significantly increased noise levels during project construction. However, current regulations for air quality that limit the idling of trucks may also decrease local ambient noise levels during construction. To reduce potential impacts to Less Than Significant, mitigation measures are required. Less Than Significant with Mitigation Incorporated

Mitigation Measure NOI-1: Construction timing and limitations. Construction activities shall be limited to between the hours of 7AM and 7PM with no construction activity on Sundays or holidays. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.
Timing: The mitigation shall be applicable during all construction activities.

Monitoring: The developer and the construction foreman shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. The Department of Development Services shall investigate all complaints of excess construction-related noise.

(e)(f) The only airport in the area is the private Johnson airstrip, approximately 4.3 miles northwest of the project. It does not contribute appreciably to the ambient noise within the site. There are no other private airstrips in the project vicinity. There are, therefore, no noise impacts from airports or private airstrips affecting the project and no mitigations are required. No Impact

Mitigation Measure: None Required

4.13 HOUSING:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</td>
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<tr>
<td>b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
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<tr>
<td>c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
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<tr>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</table>

The Housing Element of the Butte County General Plan 2030 is the primary document establishing goals, policies, and actions to guide Butte County’s efforts relative to housing. This element was prepared after review of the Butte County Housing Needs Assessment, which assessed the County’s progress in attaining goals set forth in the 2004 Housing Element of the previous Butte County General Plan. The Regional Housing Needs Plan (2007-2014) for Butte County (RHNP) was adopted in 2008 to allocate to the cities and County their “fair share” of the region’s projected housing need by household income group over the seven and a half year (2007-2014) planning period covered by the plan. Both the Housing Element and the RHNP were reviewed to determine consistency between this project and existing goals and policies.

Goal 4 of the Housing Element (2010) states that the County shall “collaborate with existing service providers to meet the special housing needs of homeless persons, the elderly, large families, disabled persons, and farmworkers.” Goal 5 of the Housing Element states that that County shall “ensure equal housing opportunity.” This project, while consistent with all stated goals within the Housing Element, is particularly relevant in terms of Goals 4 and 5.

Impact Discussion:

(a) The project proposes addition of approximately 140 units of senior housing in an unincorporated community. The volume of new homes proposed falls within the 13,994 new housing units anticipated for need between 2007 and 2014 (RHNP). Of these, 3,036 units are anticipated for need within unincorporated Butte County. The proposed 140 new homes represent approximately 4.6% of the anticipated new housing need for unincorporated Butte County.

Butte County is currently home to over 217,200 people, with a projected population of 241,515 by 2015. This projection is supported by the fact that population increase has been steady for the last ten years, with an annual average increase of 1,770 people (0.9 percent). Between 1996 and 2006, population grew about 9 percent in the County. The project proposes construction of 139 new residential units, one community lot, and one commercial lot. At 2.5 persons per household (California Department of Finance), and if one assumes all occupants are new residents to Butte County, the
The project would allow for approximately 350 new residents. This number assumes that all future residents are new to the County, rather than existing residents that move to the site. The actual number of new Butte County residents induced by the project is anticipated to be less than 350 persons. Although the project does induce population growth in the area by providing new housing, the level of growth induced is within the range anticipated by the Butte County General Plan and other relevant housing assessments and plans. **Less Than Significant Impact.**

**Mitigation: None Required**

(b)(c) The project does not propose any activities that will displace either people or housing. No need for replacement housing is expected. **No Impact.**

**Mitigation: None Required**

### 4.14 PUBLIC SERVICES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
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<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
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<tbody>
<tr>
<td>a.</td>
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<td>X</td>
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<tr>
<td>b. Fire protection?</td>
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<td>X</td>
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<tr>
<td>c. Police Protection?</td>
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<td>X</td>
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<td>d. Schools?</td>
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<td>e. Parks?</td>
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<td>X</td>
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<td>f. Other public services?</td>
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<td>X</td>
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</table>

**Impact Discussion:**

The project proposes construction of 139 new units of senior housing in the unincorporated community of Durham. This development will require adequate fire and police protection. This increase in population may contribute to usage of area parks, recreational facilities, and other public services such as emergency services and hospitals.

(a)(b) Fire protection and emergency services for the project site are provided by the Butte County Fire Department (BCFD) and Butte County Volunteer Firefighters. BCFD has contracted with California Department of Forestry and Fire (CAL FIRE) to staff BCFD stations though annual cooperative agreements since 1931 and has staffed each fire station 24 hours a day with two firefighters until recently when budget cut backs have resulted in rolling brown outs or closure of two stations at any given time (2030 General Plan EIR). Under this contract, the County pays CAL FIRE salaries and benefits, as well as other related costs, to staff County-owned fire stations and apparatus as well as funds the Butte County Volunteer Firefighter Program. BCFD and CAL FIRE also operate the countywide dispatch services, coordinate major emergency response within the County, and provide training for career and volunteer fire fighters.

Butte County has considered the need for additional fire protection and commissioned a study, Standards of Response Cover Study Butte County Fire Department (Citygate 2007). In 2008, the County adopted the following standards for fire department response time based on the study:

- Population equal to or greater than 1,000 people per square mile or industrial, agricultural or infrastructure of high value:
For emergencies requiring a single fire engine response the first due engine shall arrive within 7 minutes of the 911 call 90 percent of the time, countywide.

For emergencies requiring multiple engines and an effective force of 15 fire fighters, they shall arrive within 11 minutes of the 911 call 90 percent of the time, countywide.

- Population of 500 to 1,000 people per square mile:
  For emergencies requiring a single fire engine response the first due engine shall arrive within 13 minutes of the 911 call 90 percent of the time, countywide.
  For emergencies requiring multiple engines and an effective force of 15 fire fighters, they shall arrive within 18 minutes of the 911 call 90 percent of the time, countywide.

- Population less than 500 per square mile:
  For emergencies requiring a single fire engine response the first due engine shall arrive within 17 minutes of the 911 call 90 percent of the time, countywide.
  For emergencies requiring multiple engines and an effective force of 15 fire fighters, they shall arrive within 23 minutes of the 911 call 90 percent of the time, countywide.

BCFD Station 45 is located at 2367 Campbell Street in Durham and is within approximately ¾ of a mile to the nearest entrance and within 1 mile of the farthest proposed entrance to the site. The station is staffed by County career firefighters as well as volunteer firefighters. The average response time in Durham is approximately 7.97 minutes (range 0.22-21.02 minutes; Citygate 2007 Standards of Response Cover Study Butte County Fire Department), in an area of population less than 500 per square mile. The Butte County General Plan (Policy HS-P11.) requires that new development meet current fire safety ordinance standards for adequate emergency water flow, emergency vehicle access, signage, evacuation routes, fuel management, defensible space, fire safe building construction, and wildfire preparedness (2030 Draft General Plan EIR). The project will provide water and fire hydrants on site for fire safety. In addition, a portion of development impact fees assessed by the County help fund fire protection. Because of the County standards, provision of water and hydrants to the site by the project, and the impact fees, the impact of the project on fire protection services is considered less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

(a)(c) Police protection serving the project site is provided by the Butte County Sheriff’s Office (BCSO). Of the sworn personnel which include the Sheriff, Undersheriff, captains, lieutenants, sergeants and deputies, four deputy sheriffs are assigned to one of eight patrol teams and each team is supervised by a sergeant, dependent on being fully staffed. The CHP has a mutual aid agreement with BCSO and will respond when requested by the Sheriff. The main Sheriff’s Office is located at 33 County Center Drive in Oroville and the nearest BCSO substation to the project site is located at 479 East Park Avenue in Chico, approximately 6 miles away by car. The BCSO is the countywide coordinator for mutual aid situations and maintains mutual aid agreements with the California Highway Patrol and the municipal police departments. Developers pay impact fees that in part support police protection. Therefore, the project is considered to be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

(a)(d) The project site is served by the Durham Unified School District, which provides kindergarten through high school education at Durham Elementary, Durham Intermediate, Durham High School and Mission High School. The District’s enrollment has steadily declined since the year 2000 and is currently well under capacity (Butte County General Plan 2030 draft EIR). In addition, the project seeks to provide housing for seniors rather than younger families more likely to have school-aged children, and new development is subject to school impact fees. Therefore, the impact to area schools will be less than significant. **Less Than Significant Impact**

Mitigation Measure: None Required

(a)(e) The Municipal Service Review Update and Sphere of Influence Plan for Durham Recreation and Park District (MSR 2009) addresses the existing adequacy and condition of Durham area parks and recreational facilities and assesses the ability of the existing facilities to support the local population in the future. The Durham Recreation and Park District (DRPD) currently serves an areas of approximately 182 square miles and maintains 34 acres of developed parkland at six parks including one community park (24-acre Durham Community Park), four neighborhood parks and one mini-park. In addition, DRPD facilities include a swim center and a memorial hall. DRPD serves an estimated population of 6,354 according to 2007 U.S. Census. DRPD has established service standards of 1.9 acres of
neighborhood parks, 6.5 acres of community parks, 3 acres of linear parks, and 2.2 miles of trailways per 1,000 people. Although DRPD staff believes the District meets current needs adequately, the MSR identified that the current level of service is below current District-adopted standards outlined above, with a current deficit of 1.8 acres of neighborhood parks, 17.3 acres community park, and 19.1 linear parks per 1,000 residents. In addition to housing, the project proposes creation of approximately 18.8 acres of open space and will include a community center, playground, and pedestrian/bicycle trails. At an estimated 2.5 persons per household (California Department of Finance), the project would allow for approximately 350 residents and would provide additional open space at a ratio of approximately 0.053 acres per resident. Because the proposed open space and recreational amenities will help offset any increased use of existing recreational facilities in the vicinity and developers are required by the County to pay park development impact fees, the effect on recreational services will be Less Than Significant. Less Than Significant Impact

Mitigation Measure: None Required

(a)(f) The project may contribute to an increased usage of other public services but at an expected increase of approximately 350 people is not likely to increase usage of other services to a significant level that would require new facilities or construction to maintain the current level of services. Less Than Significant Impact

Mitigation Measure: None Required

4.15 RECREATION:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>X</td>
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</tbody>
</table>

Impact Discussion:

(a) The General Plan 2030 does not provide a parks and recreation plan for Butte County, yet unincorporated Butte County has over 618 acres of parkland serving the County’s 83,900 residents. The Durham Recreation and Park District (DRPD), one of five independent and non-enterprise districts in the County, (reliant on property tax revenue for operations), provides parks and recreational facilities for area residents. The 24-acre Durham Community Park is within ½ mile east of the project site; other DRPD recreational facilities of approximately 10.3 acres are located within ½ mile west, in Durham.

No acceleration or substantial physical deterioration is expected to occur in the existing neighborhoods and/or parks and recreational facilities. The project is expected to provide adequate recreational opportunities for its residents, whose quality of life could be enhanced by the availability of DRPD recreational facilities. In addition to the special district and municipal facilities in the County, there are many federal and state parks, recreational areas, reserves and trails to explore and utilize. Less Than Significant Impact

Mitigation measure: None Required

(b) The approximately 118-acre project will add 139 active senior residential properties, a community center, a park, open spaces, a walking/biking path, RV parking, and a bus stop. Open spaces (public and private), including the park and walking berm are approximately 18.8 acres. The existing residence and approximately 70 acres of working orchard will remain.

No adverse physical effects on the environment are foreseen in construction of the project’s included community/recreational facilities. Less Than Significant Impact

Mitigation measure: None Required
### 4.16 TRANSPORTATION/TRAFFIC:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td>X</td>
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<tr>
<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
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<td>X</td>
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<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
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<tr>
<td>e. Result in inadequate emergency access?</td>
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<td>X</td>
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<tr>
<td>f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</td>
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<td>X</td>
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</tbody>
</table>

**Impact Discussion:**

(a) Traffic and circulation plans and policies are established by the Circulation Element of the Butte County General Plan 2030 and the 2008 Regional Transportation Plan (BCAG). These documents set forth the goals and policies describing the overall mobility program for Butte County. Additionally, the County adopted a Countywide Bikeway Master Plan in 1998 and is currently in the process of updating it. Published goals for circulation improvement include:

- intergovernmental communication and cooperation,
- modes and strategies that reduce traffic-related impacts,
- promotion of alternative methods of transportation (pedestrian and bicycles),
- integration of public transit systems,
- integration of a safe and continuous bicycle system,
- support of a balanced and integrated road and highway system,
- consistency with existing and proposed land uses,
- financial feasibility,
- public safety,
- facilitation for residents with special mobility needs, and
- consistency with air traffic.

Review of these plans shows consistency between this project and Butte County traffic and circulation goals and policies. Most notably, the project includes:

- internal circulation design providing multiple entry/exit points to reduce intersection congestion,
- open space elements designed for pedestrian and bicycle traffic,
- line of sight improvements to facilitate public safety,
Project Name: Durham Villas Subdivision

- no county maintenance costs associated with roadway improvements,
- neighborhood commercial to reduce internal trip generation,
- no impacts to air facilities, and
- tentatively planned B-line bus stops integrated with county-wide public transit.

Project proponents have participated in preliminary project review with Butte County and solicited comments from Public Works regarding additional conditions of approval that may be needed. The project will conform to all conditions of approval required by Butte County Public Works, including right-of-way requirements, signage, encroachment and approach standards, street and cul-de-sac standards, and other conditions.

Project proponents have requested a number of exceptions to existing Butte County Street Standards to improve safety and provide additional consistency with alternative transportation modes. These exceptions include sidewalk and bike path configuration, landscaping, and right-of-way and road widths. Butte County is currently reviewing that request. If accepted, these exceptions will be added to the Conditions of Approval. **No Impact**

**Mitigation measure:** None Required

(b) Project traffic levels and impacts were assessed in the *Rancho Sol Tierra Traffic Impact Study* (Sept. 7, 2011) prepared by Whitlock and Weinberger Transportation, Inc. This analysis evaluated operating conditions under four scenarios, including existing conditions, existing plus project conditions, future conditions, and future plus project conditions. Both “existing plus project” and “future plus project” condition scenarios indicated potential traffic impacts that are expected to occur upon addition of traffic from the proposed project.

The study area consisted of seven intersections adjacent to the Durham Villas project area (formerly called Rancho Sol Tierra) that would be expected to be most directly impacted by the project. These intersections included Midway/Jones Avenue, Durham-Dayton Highway/Midway, Durham-Dayton Highway/Jones Avenue, Durham-Dayton Highway/Project Access (A, B, and C), and Durham-Dayton Highway/Lott Road (Figure 4.16.1 Traffic Impact Study Intersections).

**Existing Plus Project Conditions**
With the addition of project-generated traffic, all of the study intersections are expected to continue to operate acceptably at LOS A or B during the a.m. and p.m. peak hours in the immediate future.

**Future Plus Project Conditions**
With the addition of project-generated traffic, all of the study intersections are expected to operate at LOS C or better during future study periods.

The traffic analysis not include the Stanford Lane and Durham Dayton Highway Intersection. Concern was expressed by some of the residents of Durham, that a development in this area would cause a safety hazards and contribute to car accidents in this stretch. Some also raised an issue with the timing of the counts and said they were not taken at a during a busy time when school was in session. Additionally, some local farmers expressed concern that the new source of traffic would cause problems for them moving their farm equipment. These impacts are considered potentially significant without further study. It is recommended that a traffic study that incorporates the Stanford Lane intersection and counts that are timed to when school is in session be performed and that traffic impacts be further analyzed in and EIR. **Potentially Significant Impact**

(c) The project is not expected to create new sources of air trip generation have any impact on air traffic patterns since the project is not near any commercial airport nor does it lie within an established overflight safety zone. **No Impact**

**Mitigation measure:** None Required
### 4.17 UTILITIES AND SERVICE SYSTEMS:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
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<td>X</td>
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<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
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<td>X</td>
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<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>X</td>
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<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td></td>
<td>X</td>
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<tr>
<td>e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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<td></td>
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<td>X</td>
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<tr>
<td>f. Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
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<td>X</td>
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<tr>
<td>g. Comply with federal, state, and local statutes, and regulations related to solid waste?</td>
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<td>X</td>
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</tbody>
</table>

The developer proposes formation of a County Services District, Community Services District and Landscape and Lighting District that will be responsible for the ownership, maintenance, operation and inspection of the following subdivision improvements and amenities:

- Park site and improvements;
- Community Center building and site improvements;
- Wastewater collection, treatment, and disposal system that includes at a minimum the sewer collection pipelines located in the streets, dosing tanks, pump controls and community leach field; the septic tanks for each of the lots will be owned and maintained by the individual lot owner;
- Domestic and fire water supply system that includes at a minimum well(s), pump(s), tank(s), water lines, fire hydrants, pump controls, generator(s), valves and water meters;
- Private landscaping, and pedestrian/bike paths located outside of public right of ways.

The Butte County Board of Supervisors will initiate formation of the CSD with the Butte Local Agency Formation Commission (LAFCO). LAFCO will then prepare a Municipal Services Review (MSR) and a Sphere of Influence Plan for the proposed CSD. Upon approval of the CSD by LAFCO, the Board of Supervisors will act as the initial board of directors for the CSD. The CSD will ultimately be governed by a board of directors elected by the lot owners in the subdivision and will be responsible for establishing budgets, hiring contractors to take care of maintenance, operation and inspection needs and establishing regulations and bylaws for district operation.

Maintenance of improvements within the public right of way, including street lighting, storm drain pipelines, storm drain leach trenches, streets and public landscaping, will be maintained by Butte County. The fees for this maintenance will be collected by a zone of benefit within a County Permanent Road Division (PRD). The CSD must be consistent with the County’s Urban Reserve Policy described in relation to the Durham Dayton Nelson Plan in Section I of the Area and Neighborhood Plans Element of the 2010 General Plan. This policy is discussed in detail in Section 4.10 of this Initial Study.
Project Name: Durham Villas Subdivision

Impact Discussion:

Wastewater Treatment
(a)(b)(e) Treatment of wastewater in the Durham area and much of unincorporated Butte County is provided by septic systems. Project design includes septic tanks on individual lots with leachate collected in pipelines in the street, dosing tanks, a pump system, and a community leach field.

The proposed Community Services District will own, operate and maintain the sewerage infrastructure. Review and approval of the CSD by LAFCO, Butte County Board of Supervisors, and the Central Valley Regional Water Quality Control Board is required to ensure all applicable wastewater treatment requirements are met. Project impacts will be Less Than Significant with the following Mitigation Incorporated.

Mitigation Measure Util-1: Formation of a County Services Area, Community Services District and Landscape and Lighting District. Prior to recording of the Final Map, the project proponent shall ensure formation of a County Services Area, Community Services District and Landscape and Lighting District on terms and conditions acceptable to the County pursuant to the requirements of the Butte Local Agency Formation Commission and the Durham Dayton Nelson Plan Urban Reserve Policy to own, maintain, operate, and inspect the following subdivision improvements and amenities:

- Park site and improvements;
- Community Center building and site improvements;
- Wastewater collection, treatment and disposal systems excepting septic tanks on individual owner lots;
- Domestic and fire water supply systems;
- Private landscaping, and pedestrian/bike paths;

Plan Requirements: Formation of a County Services Area, Community Services District and Landscape and Lighting District

Timing: Prior to recording of Final map

Monitoring: Butte County Department of Public Works

Storm Water Drainage
(c) The project area lies outside of any existing storm drainage system service area. Adequate stormwater drainage capacity is ensured through appropriate site design as reviewed and approved by the Butte County Department of Public Works, prior to recordation of a Final Map. Site design incorporates on-site subterranean storm water collection facilities with leach trenches to be maintained by the County of Butte. The fees for this maintenance will be collected by a zone of benefit within a County Permanent Road Division (PRD).

Open space designed for flood control (designated Lot “I”) is situated in the northwestern corner of the project area. A raised berm/walking path ensures that off-site storm water cannot flow into the main subdivision. The following Conditions of Approval were provided in regards to drainage by Butte County Department of Planning on January 18, 2012, after review of available project details.

1. Prior to recordation of the Final Map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained on site and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a County Service Area (CSA), Zone of Benefit within a Permanent Road Division (PRD), or other Department of Public Works approved entity prior to recordation of the Final Map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.
2. Prior to recordation of the Final Map, submit a hydraulic analysis for review and approval that demonstrates the development does not adversely affect the base flood elevation in compliance with County Code Section 26-33 (a) (3).

3. Place a note on a separate document, which is to be recorded concurrently with the map or on an additional map sheet stating: “After adoption of the Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code and after the amendments of the Butte County General Plan and Zoning Ordinance required by Sections 65302.9 and 65860.1 of the Government Code have become effective, Butte County will be prohibited from approving any discretionary permit or entitlement or any ministerial permit that would result in the construction of a new residence on any lot or parcel depicted in this map unless the County makes one of the findings required by Section 65962 of the Government Code regarding flood protection. Such findings must be based on substantial evidence. It shall be the responsibility of the owner of the lot or parcel, or the agent of the owner, to provide any and all information requested by the County in order for the County to be able to make the required findings.”

4. Prior to the recordation of the Final Map, establish 100-year flood plain elevations and the lowest floor elevations for any structures located in zones AE and AO on the official FIRM map in accordance with Butte County Code Section 26-25. Show on the additional map sheet the elevations (by contours) and the location of an accepted NGVD29 (National Geodetic Vertical Datum of 1929) benchmark and a temporary benchmark on-site.

5. Prior to the final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the County-approved drain marker per County standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to County standard S-40.

6. Prior to grading, a construction storm water permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The permit must be obtained from the State Water Resources Control Board prior to construction. If a construction storm water permit is required, place a note on an additional map sheet that states: “The development of this Final Map requires a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”

A storm water pollution prevention plan reviewed and approved by the Central Valley Regional Water Quality Control Board (CVRWQCB) is required to demonstrate that storm water is adequately controlled by project design features to reduce or eliminate off-site impacts due to stormwater induced erosion. The acquisition of a construction storm water permit from the State Water Resources Control Board will be required. No significant impacts from stormwater drainage and detention have been identified or are anticipated after all permitting requirements, the required mitigation measure, Mitigation Measure HYD-1: Drainage Plans, and conditions of approval have been fulfilled. Less Than Significant with Mitigation Incorporated.

**Water Supply**

(d) The project area is not currently served by a domestic water service provider and surrounding residents are reliant upon individual wells for domestic water. The project area lies outside of the current service boundaries and Sphere of Influence of Durham Irrigation District (DID), the closest domestic water service provider. Initial analysis of the potential annexation of the project area into the DID service area revealed significant impediments to annexation, including concerns regarding adequate capacity and the need for a comprehensive sphere of influence update study. Due to these concerns, further analysis with an EIR is recommended in the area of domestic water supply. Potentially Significant Impact

**Landfill and Solid Waste**

(f) Solid waste collection services for portions the Durham area are provided by Recology of Butte Colusa Counties (formerly known as Norcal Waste Systems of Butte County, Inc.) and North Valley Waste Management (WM). Review of the current Recology service area reveals that the project is in an area not currently served. However, should new sources of waste collection revenue be developed, Recology would consider modifying their current service area to include the new customers.
WM currently provides waste collection service to the project area. WM operates out of a facility located at 2569 Scott Avenue in Chico and utilizes waste storage facilities in Chico, as well as a number of landfills throughout the state, to ensure adequate capacity. Both service providers currently have capacity to serve the project, although service by Recology would require a modification to their current service area. Accordingly, no significant impacts to landfill and solid waste service provision are identified or anticipated. **Less Than Significant Impact**

**Mitigation Measure: None Required**

(g) The Solid Waste Division of Butte County Public Works is responsible for operating the Neal Road Recycling and Waste Facility, regulating the local waste collectors, providing safe disposal opportunities for household hazardous waste and universal waste, enforcement of illegal dumping, administering grant programs, coordinating solid waste and recycling education programs, and implementing programs that divert waste from landfills. Review of this project by Butte County Public Works and compliance with all conditions of approval provided by the County will ensure the project is in compliance with all federal, state, and local statutes and regulations in regards to solid waste. **Less Than Significant Impact**

**Mitigation Measure: None Required**

### 4.18 MANDATORY FINDINGS OF SIGNIFICANCE (Section 15065):

<table>
<thead>
<tr>
<th>Would the proposal:</th>
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<th>No Impact</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a. Have the potential to substantially degrade the quality of the environment,</td>
<td></td>
<td>X</td>
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<tr>
<td>substantially reduce the habitat of a fish or wildlife species, cause a fish or</td>
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<td>wildlife population to drop below self-sustaining levels, threaten to eliminate a</td>
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<td>plant or animal community, reduce the number or restrict the range of a rare or</td>
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<td>endangered plant or animal or eliminate important examples of the major periods of</td>
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<tr>
<td>California history or prehistory?</td>
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<tr>
<td>b. Have impacts that are individually limited, but cumulatively considerable?</td>
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<td>X</td>
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<td>(“Cumulatively considerable” means that the incremental effects of a project are</td>
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<td>considerable when viewed in connection with the effects of past projects, the</td>
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<td>effects of other current projects and the effects of probable future projects)?</td>
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<tr>
<td>c. Does the project have environmental effects which will cause substantial</td>
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<td>X</td>
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<tr>
<td>adverse effects on human beings, either directly or indirectly?</td>
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</table>

The project will not substantially degrade the quality of the environment, reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

The project area is located in a community that has not experienced or is anticipated to experience rapid growth in the recent past or immediate future. No other subdivision projects are currently proposed for the Durham area. Accordingly the project is not considered to contribute to cumulatively considerable impacts.

No environmental effects associated with the project have been identified as causing substantial adverse effects on human beings.
Potentially significant impacts have been identified in the areas of Air Quality, Biology, Cultural Resources, Hydrology and Water Quality, Greenhouse Gases, Land Use, Noise, Transportation and Traffic, and Utilities and Service Systems. Many of these impacts can be reduced to Less Than Significant through application of the required mitigation measures provided in those sections and summarized in Section 5.0 Mitigation Measures and Monitoring Requirements. Several impacts in the categories of Agricultural Resources, Air Quality, Hydrology and Water Quality, Greenhouse Gases, Transportation and Traffic and Utilities and Service Systems were found to be potentially significant and require further analysis with an EIR.

5.0 MITIGATION MEASURES AND MONITORING REQUIREMENTS:

**Mitigation Measure BIO-1: Nesting Migratory Birds and Raptors.** Prior to initiation of any ground disturbing/construction activities during the nesting season (1 March and 15 September), the area within 0.5 mile of the proposed disturbed area must be surveyed by a qualified biologist for active raptor and migratory bird nests during the appropriate nesting period for the species. All raptor and migratory bird nests on the project site should be avoided until young have fledged in accordance with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended.

- If an active nest is located within 0.5 mile of the project site, a biologist will monitor the nest weekly during construction to evaluate potential disturbance to nesting from construction activities. The monitor will have the authority to stop construction if it appears to be resulting in nest abandonment or forced fledging. Following a review of the breeding pair’s behavior, CDFG will determine whether project activities in the area may continue during the nesting season and, if so, the conditions under which they may continue.
- If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree will be preserved until it is outside of the breeding season for that species or until the young have fledged. If construction cannot be delayed until the end of the breeding season, guidance from CDFG shall be requested. Removal of any tree containing a Swainson’s Hawk nest may only be conducted after a Management Authorization is obtained from CDFG.

**Plan Requirements:** No vegetation removal, grading, road construction, or other earthwork shall be permitted until the nesting bird survey has been completed and a qualified biologist is hired by the project applicant for nest monitoring, if necessary.

**Timing:** Prior to construction.

**Monitoring:** The Butte County Department of Development Services

**Mitigation Measure CULT-1: Cultural Resource Protection.** Place a note on a separate document, which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans, that includes the following:

- The project engineer shall create a map of based on the Jensen and Associates 1991 Cultural Resources Report that indicates the area of the prehistoric site of potential historical significance with a 100-foot buffer and labeled “Environmentally Sensitive Area.” No ground-disturbing work shall be allowed within this area.
- The note shall include the following language: “A qualified archaeological monitor shall be hired and be present to inspect all ground-breaking activities including tree removal. Should grading activities reveal the presence or prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

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Butte County Department of Development Services, Planning Division

Initial Study for Durham Villas Subdivision Page 41 of 45
**Timing:** This measure shall be implemented during all site development activities.

**Monitoring:** Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

**Mitigation Measure HYD-1: Drainage Plans.** Prior to recordation of the Final Map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a County Service Area (CSA), Zone of Benefit within a Permanent Road Division (PRD), or other Department of Public Works approved entity prior to recordation of the Final Map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

**Plan Requirements:** Submit drainage plans and calculations to the Department of Public Works for review and approval.

**Timing:** The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

**Monitoring:** The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.

**Monitoring:** Department of Public Works shall ensure that the drainage plan has been submitted and approved prior to recordation of the Final Map.

**Mitigation Measure NOI-1: Construction timing and limitations.** Construction activities shall be limited to between the hours of 7AM and 7PM with no construction activity on Sundays or holidays. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

**Timing:** The mitigation shall be applicable during all construction activities.

**Monitoring:** The developer and the construction foreman shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. The Department of Development Services shall investigate all complaints of excess construction-related noise.

**Mitigation Measure Util-1: Formation of a County Services Area, Community Services District and Landscape and Lighting District.** Prior to recording of the Final Map, the project proponent shall ensure formation of a County Services Area, Community Services District and Landscape and Lighting District on terms and conditions acceptable to Butte County pursuant to the requirements of Butte Local Agency Formation Commission and the Durham Dayton Nelson Plan Urban Reserve Policy to own, maintain, operate, and inspect the following subdivision improvements and amenities:

- Park site and improvements;
- Community Center building and site improvements;
- Wastewater collection, treatment and disposal systems excepting septic tanks on individual owner lots;
- Domestic and fire water supply systems;
- Private landscaping, and pedestrian/bike paths;
Plan Requirements: Formation of a County Services Area, Community Services District and Landscape and Lighting District

Timing: Prior to recording of Final Map

Monitoring: Butte County Department of Public Works

6.0 ENVIRONMENTAL REFERENCE MATERIAL:


18. CDFG. Staff Report regarding Mitigation for Impacts to Swainson’s Hawks (Buteo swainsoni) in the Central Valley of California. 13 p. 1994.
Project Name: Durham Villas Subdivision


7.0 CONSULTED AGENCIES:

- Environmental Health
- BCAG
- LAFCo
- City of Biggs
- Town of Paradise
- CVRWQCB
- Durham Irrigation District
- Army Corps of Engineers
- Public Works
- Butte County Ag Commissioner
- Air Quality Management
- City of Gridley
- County Fire/CalFIRE
- Department of Conservation
- Durham Parks & Recreation District
- National Marine Fisheries Service
- Building Manager
- ALUC
- City of Chico
- City of Oroville
- CalTrans (District 3)
- Dept. of Fish and Game
- Highway Patrol
- US Fish & Wildlife Service
8.0 PROJECT SPONSOR(S) INCORPORATION OF MITIGATION INTO PROPOSED PROJECT:

I/We have reviewed the Initial Study for the Durham Villas Subdivision APN #040-200-083 application and particularly the mitigation measures identified herein. I/We hereby modify the application on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.

[Signature]
Project Sponsor/Project Agent

4/17/2017
Date

[Signature]
Project Sponsor/Project Agent

Date